

## **CHAPTER 33-03-11.1 ELECTROLYSIS**

Section	
33-03-11.1-01	Definitions
33-03-11.1-02	Licensure Requirements
33-03-11.1-03	Application for Initial Licensure
33-03-11.1-04	Applications for Licensure and Grandfathering Provision [Repealed]
33-03-11.1-05	Electrologist Licensure Examination [Repealed]
33-03-11.1-06	Notification of Examination Date, and Results [Repealed]
33-03-11.1-07	Retake of Examination Sections [Repealed]
33-03-11.1-08	Issuance, Renewal, and Reactivation of a License
33-03-11.1-09	Continuing Education
33-03-11.1-10	Infection Control and Safety
33-03-11.1-11	Location of Business [Repealed]
33-03-11.1-12	Equipment
33-03-11.1-13	Restrictions to Practice
33-03-11.1-14	Client Records
33-03-11.1-15	Complaints
33-03-11.1-16	Penalties for Infraction of This Chapter
33-03-11.1-17	Approved Training Program

### **33-03-11.1-01. Definitions.**

1. "Approved" means determined acceptable in writing, by the department.
2. "Aseptic technique" means practices that render and keep the skin site and instruments free from all micro-organisms or contamination.
3. "Department" means the department of health and consolidated laboratories.
4. "Electrologist" means a person proficient in the permanent removal of hair by electrolysis and who is currently licensed by the department to practice in North Dakota.
5. "Electrolysis" means the permanent removal of hair by the conduction of an electrical current through a probe inserted into the hair follicle to destroy the papilla.
6. "Electrolysis continuing education hour" means a sixty-minute session or home study course approved by a national electrolysis association or organization, or an infection control or electrolysis-related session provided by a hospital or another health care related setting.
7. "Facility" means all areas used by the electrologist and client.
8. "Initial license" means the first license.

9. "Instruments" means probes, forceps, hemostats, tweezers, or other equipment required for the actual hair removal process.
10. "National association or organization" means the American electrology association, the international guild of professional electrologists, or the society of clinical and medical electrologists.
11. "Official transcript" means a school's certified document that lists the courses, course hours, and grades of an electrolysis program.
12. "Probe" means the needle or filament used to administer the electric current to the hair-papilla.
13. "Provisional" means license granted based on conditions as established specifically by the department in response to noncompliance with the licensure requirements in this chapter.
14. "Relicensure" means the issuance of any license after the initial license.
15. "Renew" means to extend a current license for one year if compliance with licensure rules has been maintained.
16. "Violation of licensure requirement" means noncompliance with requirements of this chapter.

**History:** Effective February 1, 1992; amended effective May 1, 1994.

**General Authority:** NDCC 43-38-03

**Law Implemented:** NDCC 43-38-01

### **33-03-11.1-02. Licensure requirements.**

1. The state health council shall delegate to the department the authority to manage and implement the electrology licensure program.
2. A person may not hold themselves out to the public as an electrologist or practice electrology without a current license issued by the department.
3. A license may not be sold, assigned, or transferred.
4. The license expires at midnight on December thirty-first of the year issued. Licensure renewal must be on a calendar year basis renewable on January first of each year.
5. The license must be displayed in a place easily viewable by clients and the public.
6. The initial license fee is fifty dollars for the first year and will not be prorated for a partial year.

7. The license renewal fee is twenty-five dollars per year. Licenses will be issued and license fees will be collected on a calendar year basis and will not be prorated for a partial year.
8. A licensed electrologist must practice permanent hair removal through the use of an electronic probe.

**History:** Effective February 1, 1992; amended effective May 1, 1994.

**General Authority:** NDCC 43-38-03

**Law Implemented:** NDCC 43-38-02, 43-38-03

**33-03-11.1-03. Application for initial licensure.** Application for an initial license must be made to the department on forms prescribed by the department and must be accompanied by:

1. The initial license fee;
2. Proof of age of at least eighteen and identity such as driver's license or birth certificate, and a copy of a high school diploma, or certificate of general educational development, or degree from an accredited institution of higher education; and
3. An official transcript from an electrology school meeting the program requirements for training as defined in section 33-03-11.1-17.

**History:** Effective February 1, 1992; amended effective May 1, 1994.

**General Authority:** NDCC 43-38-03

**Law Implemented:** NDCC 43-38-02, 43-38-03

**33-03-11.1-04. Applications for licensure and grandfathering provision.** Repealed effective May 1, 1994.

**33-03-11.1-05. Electrologist licensure examination.** Repealed effective May 1, 1994.

**33-03-11.1-06. Notification of examination date, and results.** Repealed effective May 1, 1994.

**33-03-11.1-07. Retake of examination sections.** Repealed effective May 1, 1994.

**33-03-11.1-08. Issuance, renewal, and reactivation of a license.**

1. Upon receipt of an initial licensure application or a relicensure application, the department shall evaluate the qualifications of the applicant for compliance with the requirements of this chapter.
2. Falsification of information on the application shall constitute license revocation.

3. The department may evaluate an electrologist's compliance with these licensure requirements at any time through:
  - a. An announced or unannounced onsite inspection scheduled at the discretion of the department; or
  - b. A request for submission of written documentation verifying compliance.
4. If the licensure applicant meets the requirements as found in this chapter, including the application fee and continuing education hours, the department shall issue a license.
5. Licenses not renewed by December thirty-first of each year will be deemed suspended and an additional fee not to exceed ten dollars must be assessed from the applicant. Licenses not renewed by March of each year will be terminated and reapplication for licensure will be needed to reinstate the license.

**History:** Effective February 1, 1992; amended effective May 1, 1994.

**General Authority:** NDCC 43-38-03

**Law Implemented:** NDCC 43-38-03

#### **33-03-11.1-09. Continuing education.**

1. To maintain licensure, electrologists must obtain a minimum of five electrology continuing education hours per year.
2. Certificates of completion to verify number of continuing education hours must be submitted to the department along with annual renewal applications and fees in order to obtain a renewal license.

**History:** Effective February 1, 1992; amended effective May 1, 1994.

**General Authority:** NDCC 43-38-03

**Law Implemented:** NDCC 43-38-03

**33-03-11.1-10. Infection control and safety.** Written policies and procedures must be established and implemented by the licensed electrologist for infection control and safety and shall include at a minimum the following:

1. Handwashing and glove use.
  - a. Hands must be washed before treatment of each client, before donning gloves, and immediately after gloves are removed.
  - b. Handwashing must include the use of antibacterial soaps:
    - (1) Bar soaps must be kept on a rack to allow water to drain.

- (2) Liquid soap containers must be disposable; or
    - (3) Reusable liquid soap containers must be cleaned and refilled with fresh soap at least once a month.
  - c. The handwashing technique used must include:
    - (1) Use of antibacterial soap and water;
    - (2) A vigorous rubbing together of all surfaces of lathered hands, especially between fingers and fingernail areas, for at least fifteen to twenty seconds;
    - (3) A thorough rinsing under a stream of water; and
    - (4) Hands dried thoroughly with a clean disposable paper towel, then faucets turned off with the paper towel.
  - d. A new pair of nonsterile disposable examination gloves must be worn during the treatment of each client.
  - e. When a treatment session is interrupted, gloves must be removed and discarded. When gloves are removed during a treatment session, hands must be washed as provided in subdivision c and a fresh pair of gloves used prior to continuing the treatment session.
  - f. Gloves must be worn during the procedures of mechanical precleaning, cleaning, rinsing, and drying of needles or probes and forceps or tweezers.
  - g. Torn or perforated gloves must be removed immediately, and hands must be washed as provided in subdivision c after the gloves are removed.
2. Cleaning and sterilizing instruments or items and other safety precautions.
- a. Needles or probes and forceps or tweezers must either be presterilized disposable or thoroughly cleaned and sterilized between clients.
  - b. Reusable instruments and containers must be cleaned and then sterilized consistent with the following:
    - (1) New reusable instruments must be cleaned and then sterilized before initial use.
    - (2) All containers including the container lids used to hold contaminated needles or probes and forceps or tweezers

must be cleaned and sterilized at least daily or whenever overtly contaminated on days the electrologist is practicing electrology.

- (3) Pickup hemostats, forceps, or tweezers and holding cylinder must be cleaned and sterilized at least daily or whenever overtly contaminated on the days the electrologist is practicing electrology.
- (4) Unused instruments in containers that have been opened must be resterilized after a twenty-four-hour period.
- (5) Instruments contaminated before use, for example, dropping or touching a soiled surface, must be resterilized before use.
- (6) Needles or probes that have been used to treat a client must be:
  - (a) Mechanically precleaned using a clean cottonball or swab moistened with a solution of low-residue detergent or a protein dissolving enzyme detergent and cool water;
  - (b) Accumulated in a holding container by submersion in a solution of low-residue detergent or a protein dissolving enzyme detergent and cool water;
  - (c) Thoroughly rinsed with warm water and drained;
  - (d) Cleaned by soaking in a protein dissolving enzyme detergent used according to manufacturer's instructions cleaned in an ultrasonic cleaning unit or used according to manufacturer's instructions; and
  - (e) Rinsed and dried.
- (7) Needles or probes and forceps or tweezers must be packaged individually or in small multiples, or unpackaged and placed in cleaned and dried stainless steel or heat-tempered glass containers. All containers must have well-fitting lids that are clean and dry.
- (8) Cleaned instruments or items must be sterilized by one of the following methods:
  - (a) Dry heat. The following temperatures relate to the time of exposure after attainment of the specific temperature and do not include a heat-up lag time.

- [1] Three hundred forty degrees Fahrenheit [170 degrees Celsius] for one hour; or
    - [2] Three hundred twenty degrees Fahrenheit [160 degrees Celsius] for two hours.
  - (b) Moist heat - autoclave. The following exposure times relate only to the time the material is at temperature and does not include a penetration or heat-up lag time.
    - [1] Fifteen minutes at two hundred fifty degrees Fahrenheit [121 degrees Celsius]; fifteen pounds per square inch [103.5 kilopascals] for unpackaged instruments or items; or
    - [2] Thirty minutes at two hundred fifty degrees Fahrenheit [121 degrees Celsius]; fifteen pounds per square inch [103.5 kilopascals] for packaged instruments or items.
  - (c) Other time-temperature relationships recommended by the manufacturer for a specific instrument.
- (9) Dry heat ovens and autoclaves (steam under pressure) must be approved by the United States food and drug administration and must be cleaned, used, and maintained according to the manufacturer's instructions.
- (10) Sterilizers must have visible physical indicators, for example, thermometers, timers.
- (11) Chemical (i.e., color change) indicators must be used on or in each package or container to indicate items have been exposed to a sterilization process.
- (12) Biological indicators must be used no less than once a month per sterilizer according to manufacturer's instructions to assure mechanical function and operator's technique and to determine sterilization efficiency and recorded in permanent sterility assurance file.
- c. Aseptic technique must be followed when handling sterilized instruments or items.
- d. To prevent accidental needle-stick injuries, disposable or damaged needles or probes must not be recapped, bent, or otherwise manipulated by hand prior to disposal. Disposable or damaged needles or probes must be placed in a sturdy puncture-resistant container. Disposal of the container must be as follows:

- (1) The contents must be disinfected with a freshly prepared dilution of household bleach and water consisting of one part bleach and nine parts water; allowed to sit for thirty minutes; solution poured off; and the container securely sealed and disposed into the regular trash disposal, unless otherwise specified by department and local health regulations; or
    - (2) Needles or probes may be decontaminated for handling by cleaning and sterilizing consistent with the requirements in this section and placed in a puncture-resistant container. The container must be securely sealed and disposed into the regular trash disposal.
  - e. Removable tip of epilator needle or probe holder must be removed after each treatment and cleaned with soap or detergent and water, rinsed, dried, and disinfected by submersion in seventy percent isopropyl alcohol for a minimum of ten minutes. The covered container used to hold the alcohol should be emptied at least daily or whenever visibly contaminated, then cleaned, dried, and refilled with fresh alcohol. Nonremovable tip of epilator needle or probe holders must be wiped with a detergent-germicide or disinfectant after each treatment.
3. Environmental control and housekeeping.
- a. Offices and treatment rooms must be clean, well-lighted, and well-ventilated.
  - b. A sink with hot and cold running water must be accessible to each treatment room.
  - c. Toilet facilities must be available.
  - d. A hospital-grade disinfectant-detergent registered by the environmental protection agency must be used for all cleaning unless otherwise specifically stated in this chapter.
  - e. Fresh disposable paper drapes must be used on the treatment table or chair for each client, or the treatment table or chair must be wiped down with detergent-germicide or disinfectant or a bleach solution after each client.
  - f. Soiled disposable items must be discarded into a container lined with a plastic bag, securely fastened, and disposed daily into the regular trash disposal.



- 9. Epilator needle or probe holder and the portion of the cord in direct contact with the client or electrologist must be wiped with a detergent-germicide or disinfectant after each treatment.
  - h. Magnifier or treatment lamps must be wiped with a detergent-germicide or disinfectant after each treatment.
  - i. After each use, client eyeshields must be cleaned using a brush and soap or detergent and water, then rinsed and dried.
  - j. Blood spills on environmental surfaces must be cleaned as follows:
    - (1) Disposable gloves must be worn;
    - (2) Paper towels used to blot up the visible material;
    - (3) Paper towels then discarded into a plastic bag, securely fastened and disposed into the regular trash disposal;
    - (4) Area wiped down with paper towels and an environmental protection agency-registered disinfectant-detergent or a freshly prepared one to one hundred parts dilution of household bleach and water (one-fourth cup bleach and one gallon [3.79 liters] water);
    - (5) Area allowed to air dry; and
    - (6) Paper towels and gloves discarded into a plastic bag, securely fastened and disposed into the regular trash disposal.
4. Client infection control considerations.
- a. Blood and body fluid precautions must be consistently used for all clients.
  - b. The skin site must be evaluated prior to each treatment.
  - c. Before treatment, the skin site must be cleansed of visible soil using soap and water or a germicidal skin preparation, then wiped with an antiseptic product. Skin sites not visibly soiled must be wiped with an acceptable antiseptic product.
  - d. After treatment, the skin site must be wiped with an acceptable antiseptic product.
  - e. Application of ice in a fresh disposable paper towel in a fresh plastic bag or healing cream, lotion, or ointment, or a combination of these things, may be applied to the treated skin site at the discretion of

the electrologist. Creams, lotions, and ointments must be kept in clean, covered containers and handled in a sanitary manner.

- f. Client must be instructed on the appropriate posttreatment care to promote healing of the treated skin site.
5. Exposures to hepatitis B virus (HBV), HIV, and other bloodborne pathogens.
    - a. Electrologists should be immunized against hepatitis B virus.
    - b. Universal precautions must be implemented with all clients.
    - c. The following steps should be taken when a needle or probe stick, puncture injury, or mucous membrane exposure has occurred:
      - (1) Remove and discard gloves.
      - (2) Wash exposed surface with running water, soap or germicidal handwashing solution. If wound is bleeding, allow to bleed. After thoroughly cleaning the wound, apply alcohol, betadine, or hydrogen peroxide. If there is mucous membrane exposure, flush exposed area thoroughly with water.
      - (3) Immediate contact should be made with electrologist's personal physician for appropriate consultation, for example, for necessary postexposure strategies.
      - (4) Documentation of the exposure should be made, including: date, route of exposure, circumstance under which exposure occurred, name of source client, followup testing, and any necessary postexposure prophylaxis.

**History:** Effective February 1, 1992; amended effective May 1, 1994.

**General Authority:** NDCC 43-38-03

**Law Implemented:** NDCC 43-38-03

**33-03-11.1-11. Location of business.** Repealed effective May 1, 1994.

**33-03-11.1-12. Equipment.** Practicing electrologists shall maintain the following equipment:

1. A probe-type epilator approved by the federal communications commission.
2. A sufficient supply of sterile disposable or nondisposable needles or probes, probe tips, and forceps or tweezers for each patient.

3. A treatment light to enable adequate visualization of the treatment area.
4. A hemostat, forceps, or tweezer forcep to transfer sterile instruments utilizing aseptic techniques.

**History:** Effective February 1, 1992; amended effective May 1, 1994.

**General Authority:** NDCC 43-38-03

**Law Implemented:** NDCC 43-38-03

**33-03-11.1-13. Restrictions to practice.** Electrologists may not perform electrology treatment if any of the following are present:

1. Licensee is diagnosed as having a communicable disease or parasitic infection.
2. The hair to be removed is in an area of high bacterial colonization such as nostrils or ear canals.
3. The hair to be removed is from a wart, mole, birthmark, eyelashes, a diabetic client, or a client with a pacemaker unless written permission for the treatment has been obtained from the client's physician prior to treatment.

**History:** Effective February 1, 1992; amended effective May 1, 1994.

**General Authority:** NDCC 43-38-03

**Law Implemented:** NDCC 43-38-03

**33-03-11.1-14. Client records.** Licensed electrologists shall compile and maintain a record of health history assessment information on each client. Each record must include at least:

1. Name and address of client.
2. Type of treatment required or requested and physician permission if necessary.
3. Description of hair and skin.
4. Date, duration, and area of each treatment.
5. Special instructions or notations relating to treatment precautions or needs, such as allergies or a pacemaker.
6. Name and telephone number of referring physician if applicable.

7. Outcome of treatment.

**History:** Effective February 1, 1992; amended effective May 1, 1994.

**General Authority:** NDCC 43-38-03

**Law Implemented:** NDCC 43-38-03

**33-03-11.1-15. Complaints.** After receipt of a complaint regarding violation of electrology licensure rules, the department shall request that the complainant submit the complaint in writing. Confidentiality regarding the identity of the complainant will be maintained if requested by the complainant.

1. The department shall send a written summary of the complaint by certified mail to the electrologist requesting a written reply to the allegation.
2. A reply from an electrologist will be considered by the department if received within fourteen days of the date on which the electrologist received the complaint summary.
3. The department will determine if further action is required in investigating the complaint.
4. A summary of the results of the investigation will be sent to the complainant and the licensed electrologist within fourteen days of the completion of the investigation.

**History:** Effective February 1, 1992; amended effective May 1, 1994.

**General Authority:** NDCC 43-38-03

**Law Implemented:** NDCC 43-38-03

**33-03-11.1-16. Penalties for infraction of this chapter.** The department may invoke penalties for violations of this chapter.

1. The department, based on a determination that a licensee has violated or continues to violate this chapter, may suspend, revoke, or impose a provisional license.
2. The department may levy a civil money penalty against an electrologist in an amount not to exceed twenty-five dollars per day for noncompliance with this chapter.

**History:** Effective February 1, 1992.

**General Authority:** NDCC 43-38-03

**Law Implemented:** NDCC 43-38-03

**33-03-11.1-17. Approved training program.** Only programs that the department determines to meet the curriculum criteria in section 33-03-11.1-17 will be considered to be an approved training program.

1. A department-approved electrology training program must have a curriculum that contains, at a minimum, six hundred hours, three hundred seventy of which are practical training.
2. Curriculum content for an approved electrology training program must include the following:

- Law and rules
- Bacteriology
- Sanitation and sterilization
- Anatomy and physiology
- Endocrinology
- Structure, dynamics, and diseases of skin and hair
- Circulatory and nervous system
- Electricity
- Electrolysis
  - Galvanic
  - Thermolysis
  - Blend
- Draping and positioning
- Professional ethics and business practices

**History:** Effective February 1, 1992; amended effective May 1, 1994.

**General Authority:** NDCC 43-38-03

**Law Implemented:** NDCC 43-38-03